

## ACTION ITEM #3

### WSU Pullman, Amendments to WAC Chapter 504-36-030 Spectator Events - Safety Rules (Stacy Pearson/Bill Gardner)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** WSU Pullman, Amendments to WAC Chapter 504-36-030: Spectator events - Safety rules

**PROPOSED:** That the Board of Regents adopt the proposed amendments to WAC Chapter 504-36-030 addressed below, relating to spectator events safety rules.

**SUBMITTED BY:** Stacy Pearson, Vice President for Finance and Administration

**SUPPORTING INFORMATION:** The Board of Regents has authority pursuant to Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules published in the Washington Administrative Code. WAC Chapter 504-36-030 concerns rules related to spectator event safety rules at the Pullman Campus. A summary of the proposed amendments follows, and a copy of the chapter, illustrating the specific changes, is appended as Attachment A.

These changes are necessary to meet industry best practices applicable to safety and security at PAC-12 and NCAA events. Most notable is the implementation of a "clear bag" policy which increases the security stance at events and streamlines the entry process by allowing for greater visibility and inspection of items being brought into the venue. The change also provides clarity regarding allowable seat cushions.

Summary of Proposed Spectator events - Safety rules Amendments:

- 504-36-030 (2) (h) (i-iv): describes size and clear material requirement of allowable bags.
- 504-36-030 (2) (h) (v): provides for exception related to medically necessary items.
- 504-36-030 (2) (h) (vi): provides for enforcement at various venues.
- 504-36-030 (2) (i) (i-x): lists prohibited styles of baggage, i.e. large purses, brief cases, backpacks, luggage, etc.

- 504-36-030 (2) (j): clarifies that small personal items, i.e. keys, wallet, etc., may be carried in pockets.
- 504-36-030 (2) (k): clarifies that certain supplies for babies may be carried in allowable clear bags.
- 504-36-030 (2) (l): grammatical change.
- 504-36-030 (2) (m): grammatical change.
- 504-36-030 (2) (m) (ix) (A-C): adds rigid frame seat cushions as a prohibited item, and describes the soft-sided cushions that are an allowed item.
- 504-36-030 (2) (x) and (xi): renumbering.

A notice of opportunity to make public comment on this proposal, either verbally or in writing, was published on October 8, 2018 in the All WSU Pullman Faculty, Staff, and Students—University Communications e-mail; and on October 9, 2018 in the *Daily Evergreen* and WSU Insider Daily Announcements at WSU Pullman. Notice was also published on August 1, 2018 on the WSU rule-making website, which is accessible by a direct link from the WSU home page. Each notice included notification of the time and place of the public hearing where oral comments could be provided and a request for written comments to be submitted no later than the close of business on October 17, 2018.

One employee submitted written comments to the Office of Procedures, Records, and Forms during the public comment period, and one anonymous student attended the public hearing to provide comments. A copy of the written comments and a synopsis of the oral comments are appended as Attachment B.

After full consideration of the comments received, no changes are proposed.

ATTACHMENTS: Attachment A  
Attachment B

AMENDATORY SECTION (Amending WSR 17-11-010, filed 5/8/17, effective 6/8/17)

**WAC 504-36-030 Spectator events—Safety rules.** (1) Protection of the safety and general welfare of students, faculty and staff, performers and officials, and members of the general public attending or participating in spectator events on campus is a primary concern of Washington State University.

(2) The following rules of conduct apply to all spectator events of Washington State University. "Spectator event," for the purposes of this section, means ticketed or nonticketed athletic or entertainment events held on any portion of university property, including, but not limited to, Martin Stadium and the Beasley Coliseum (hereafter the "event site").

(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or a safety hazard for other spectators or participants is prohibited.

(b) For ticketed events, an individual is entitled to occupy only the seat for which he or she has the proper ticket.

(c) Photographing or making audio or visual recordings of a spectator event for commercial purposes is not permitted without specific written permission from the WSU athletic department (for athletic events) or the performer and applicable designated university official (for entertainment events).

(d) Aisles, walkways, and stairs must be kept clear of hazards and obstacles at all times to ensure safe and easy passage for all persons.

(e) Possession and/or consumption of illegal drugs or marijuana is prohibited. Possession and/or consumption of alcoholic beverages is permitted subject to restrictions.

(i) Any illegal drugs, marijuana, or alcoholic beverages, except for such beverages provided in accordance with (e)(ii) of this subsection, found in the possession of a spectator or otherwise found on the event site may be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate.

(ii) Alcoholic beverages may be possessed, sold, served, and consumed at event sites only under a valid permit or license issued by the Washington state liquor and cannabis board. Events at which alcoholic beverages are possessed, sold, served, and consumed must

comply with the restrictions imposed by the Washington state liquor and cannabis board and restrictions and policies imposed by the university, have restricted attendance, and be limited to specified room(s) or area(s). Possession, consumption, service, dispensation, or sale of alcohol is prohibited except to persons of legal age.

(f) Smoking and other uses of tobacco and/or nicotine products are prohibited in all areas of the Pullman campus in accordance with chapter 504-38 WAC and all areas of the Vancouver campus in accordance with chapter 504-37 WAC.

(g) Each spectator is allowed to bring one empty nondisposable water bottle into the event site, provided that the capacity of the water bottle is no more than one and one-half liters. All other beverage containers and devices used for carrying beverage containers are prohibited. All such items are subject to a visual inspection by designated university officials upon entry to the event site. If designated university officials make the determination that a given container or device is prohibited, the possessor of the container or device must remove the container or device from the event site premises or may surrender the container or device to such designated university officials for disposal.

(h) Each spectator is allowed to bring ~~((one soft sided))~~ the following sizes and styles of bags into the event site, provided ~~((such bag is no larger than fourteen inches by eight inches by fourteen inches and))~~ that, for seated events, ~~((is))~~ the bags are small enough to fit completely under the spectator's seat, where such bags must be kept. ~~((All other))~~

(i) Bags made of clear plastic, vinyl, or PVC that are no larger than fourteen inches by eight inches by fourteen inches.

(ii) Clear drawstring bags that are no larger than fourteen inches by fourteen inches.

(iii) One gallon clear plastic freezer bags (Ziploc bag or similar).

(iv) Small clutch bags, with or without a handle strap, that are no larger than four and one-half inches by six and one-half inches (the approximate size of a hand).

(v) Exceptions are made for medically necessary items after proper inspection upon entrance.

(vi) The clear bag policy is enforced at various venues at the discretion of university personnel and management. Exceptions may also be made depending on the venue.

(i) Prohibited bags and containers (~~((are prohibited.))~~) include,

but are not limited to:

(i) Purses larger than a clutch bag;

(ii) Coolers;

(iii) Briefcases;

(iv) Backpacks;

(v) Fanny packs;

(vi) Cinch bags;

(vii) Luggage of any kind;

(viii) Computer or camera bags;

(ix) Binocular cases;

(x) Any bag larger than the permissible sizes specified in subsection (h) of this section.

(j) Spectators are allowed to bring personal items, e.g., keys, cellular telephones, wallet, makeup, in their pockets if they choose not to use a clear bag.

(k) Additional items such as diapers, wipes, and other supplies for babies and small children are allowed if placed in an approved clear bag.

(l) All (~~((such))~~) items are subject to a visual inspection by designated university officials upon entry into the event site. If

designated university officials make the determination that a given bag is prohibited, the possessor of the bag must remove the bag from the event site premises or may surrender the bag to such designated university officials for disposal.

((~~(i)~~)) (m) The following items are also prohibited in the event site:

(i) Fireworks, weapons, explosive devices, or artificial noisemaking devices (such as airhorns);

(ii) Items deemed dangerous or unacceptable by designated university officials;

(iii) Drones;

(iv) Laser pointers;

(v) Extension items used to hold cellular telephones or cameras in place (e.g., "selfie sticks");

(vi) Flag poles, or any items that act as an extension of an arm and have a flag or sign affixed;

(vii) Footballs, frisbees, sport balls, any kind of inflatable balls, or any other projectiles;

(viii) Umbrellas;

(ix) Seat cushions with rigid frames. Seatback cushions must:

(A) Be soft sided;

(B) Contain no pockets or zippers; and

(C) Be no wider than eighteen inches.

(x) Pets or animals, except as allowed by WAC 504-36-020 or as otherwise required by state or federal law;

((~~x~~)) (xi) Food and beverages, unless purchased from a vendor within the event site.

(3) Where there is reasonable cause to believe that a person is violating, or is attempting to violate, the requirements identified in subsection (2) of this section, such person is denied license or privilege to enter or remain in or upon the event site premises, and designated university officials may take necessary action to deny entry or to remove such persons from the event site premises.

Prohibited items found in the possession of a spectator or otherwise found on the event site are to be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate. Violation of the requirements identified in subsection (2) of this section or failure to vacate the event site premises upon request of designated university officials may result in university disciplinary action (if applicable) and/or subsequent legal proceedings under federal or state law and/or the Washington Administrative Code.

(4) For purposes of this section, designated university officials include the president of the university, the vice president for finance and administration, and the following officials:

(a) Director of athletics or designee for athletic events;

(b) Director of the Beasley Coliseum or designee for Beasley Coliseum events;

(c) Director of the Compton Union Building or designee for events in the Compton Union Building;

(d) Director of the School of Music or designee for events sponsored by that school;

(e) The WSU executive director of public safety or designee;

(f) Officers of the WSU police department when (i) acting at the request of any of the above-named officials to enforce university regulations, or (ii) enforcing state laws or local ordinances;

(g) Contracted or hired security personnel and crowd management personnel when acting at the direction of the above-named officials or designees to enforce university regulations.

[Statutory Authority: RCW 28B.30.150. WSR 17-11-010, § 504-36-030, filed 5/8/17, effective 6/8/17; WSR 12-18-021, § 504-36-030, filed 8/27/12, effective 9/27/12. Statutory Authority: RCW 28B.30.125 and [28B.30.]150(1). WSR 97-20-019, § 504-36-030, filed 9/19/97, effective

9/19/97. Statutory Authority: RCW 28B.30.125 and 28B.30.150. WSR 80-07-015 (Order 80-2, Resolution 6/80-15), § 504-36-030, filed 6/11/80; Order 77-2, § 504-36-030, filed 8/3/77.]

Oral comments received at public hearing held October 17, 2018 for proposed revision of  
**WAC 504-36-030 Spectator Events—Safety Rules.**

**Anonymous WSU Student**

Student: I am looking at 504-36-030 number 2. It does say "but not limited to Martin and Beasley Coliseum." That was one of my questions, but as he [Ben Clarke] just said, it looks like it's going to be at all of them eventually. So does that need to be changed to just say Martin, then? The reason I am bringing this up is I am thinking about graduation.

Ben Clarke response: They are trying to keep that flexible in the WAC.

Student: OK, can I just get clarification on that, maybe later?

Student: Then it says an individual can occupy only one seat for which he or she is the ticket holder. I have seen this on an airplane where you can buy two seats if you are a bigger person. Is that something that can happen?

Ben Clarke response: Yes, a person can buy two seats. The way that is written means that one ticket holder can have one clear bag.

Bill Gardner clarified: (In response to the student's first question about the policy applying to graduation. ) He reiterated that the policy applies to "spectator events" only, and graduation is not considered a spectator event because attendees are not charged for admission.

Student: [The WAC] talks about no weapons. I am curious if mace is considered a weapon, like if you are allowed to have mace on your keychain.

Bill Gardner response: It is not allowed.

Student expressed concern for not having mace available for walking home after the game. They said that is a safety issue in and of itself (especially for women who often carry mace). The student asked Bill if he had any recommendations. The student suggested maybe having the option of checking the mace in when entering the game.

Bill Gardner response: He thought that was a good question and that he would look into it.

Student Another thing I had a question about was the size [of the clear bags].

Ben Clarke gave some background on how they came to the decision to have 14x8x14 for the size of bags allowed. The reason is mainly because that size of bag was already part of the WAC, so they decided to stick with that size.

Student: The other thing I was wondering about is where it refers to "clutch bags." The student brought out a standard clutch wallet and asked if it would be too big.

Ben Clarke response: It would not be too big to bring into the stadium.

Student So, going back to number 2, I would suggest that you have a definition of what is a "drawstring" [bag] and what is a "cinch bag" because most people probably do not know what a cinch bag is.

Student: Asked about the reference to medically necessary items being allowed and they thought they had read somewhere about having to go through separate line for that. Is that true?

Ben Clarke response: The athletic website has an FAQ page and this is addressed in that. Right now, gate supervisors are told that if they are approached by a spectator with this issue, to do a thorough search of that person's bag and allow them to enter if no banned items are in the bag. They do not have to go through a separate line.

Student: So, I do not agree with the clear bag policy, and this is why. So, I have to take medication, I think a lot of people probably do. And it says you have to have it in a clear bag, or you have to fit it in your pockets. The student placed pill bottles in their pockets and said that they have to take about 3 bottles of medicine with them and look how awkward this is [pointing to pants pockets with medicine bottles]. It would be hard to jump around like people do at games. If you have it in a clear bag, people could steal your medication. Another thing is if you have birth control (can be switched with tic tacs or stolen), another thing is tampons or pads (tampon dispensaries are not always the best option). Another thing is if people have to have an inhaler or EpiPen. This is why I don't agree with the clear bag policy. You can't fit these things in your pockets and it seems like this is in violation of Title 9 a little bit because you are assuming the person has pockets and the pockets are functional. A lot of skirts and dresses don't have pockets in them. So I also don't support it for that reason.

I think you should just do what TSA does and just have metal detectors. And so the word safety confused me, like what is it trying to prevent? Is it trying to prevent a mass shooting? Is it trying to avoid people getting trampled? What is it trying to prevent? I would just say have metal detectors if that is the issue.

And the other issue is that you can't bring purses and bags, and a lot of times it is girls who have purses and bags, so I feel it might be a little biased with that just because women more likely have purses and bags. and guy's pockets are usually bigger and more functional

than girl's pockets. So, what I would like to see happen is just open this back up to discussion and have forums. And to address some of the issues that I brought up, such as feminine hygiene. . . and the mace. . . and the medication. I don't want people to know what medication I am on.

And the other thing is, with binocular cases. I think you should allow binocular cases, because you want to protect your binoculars.

Regarding the 18 inches for seat cushion. What if your butt is bigger than 18 inches? That is an issue with obesity.

I hope that these are some issues that we could address. Especially the pockets. So, is there a way that maybe we could pick a different lining for the bags, or install metal detectors? I think these are valid issues, and I hope you guys do too.

So could we have this addressed before this becomes policy?

Deb Bartlett response: Explained the process off how public comments related to WAC revisions are handled and the next steps taken in response to any comments.

Bill Gardner asked Ben Clarke if items such as medication, EpiPens, depends, etc. would be considered medically necessary and could go in an opaque bag.

Ben Clarke responded that definitely that would be the case. He added that they do want to be accommodating and shared a story about a call he recently received from an Oregon man who uses a wheelchair that wants to attend the game and how he explained the process of checking in with a gate supervisor.

Student: Another thing I am wondering about is because we have HIPPA and FERPA, are we going to have other students searching the bags?

Ben Clarke response: It is a third party that is hired to do that. They do hire students. We have told them to not put students at the student's gate.

Student asked what they thought about the use of metal detectors and if it had ever been considered.

Bill Gardner responded saying yes it has been considered, but metal detectors do create bottlenecks, so that is something they have to think about, too. In the future, that is the way we will probably go.

**Subject:** FW: Spectator safety rules concern  
**Date:** Wednesday, October 10, 2018 at 9:14:07 AM Pacific Daylight Time  
**From:** Procedures, Records and Forms  
**To:** Bartlett, Deborah  
**Attachments:** image001.jpg

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**From:** "Soler, Dave" <dsoler@wsu.edu>  
**Date:** Tuesday, October 9, 2018 at 3:58 PM  
**To:** "Procedures, Records and Forms" <prf.forms@wsu.edu>  
**Subject:** Spectator safety rules concern

Hello,

The WSU Creamery has a concern that one of the items in the Spectator Events - Safety Rules notice sent for review is not consistent with guidance that we have been provided by the athletics department and has the potential to inadvertently have a very negative impact on the Creamery as well as the alumni spectator experience.

Item xi indicates that food and beverages are not allowed unless purchased from a vendor within the event site.

The guidance that we have gotten from the athletics department is that cans of cheese will not be allowed into the football stadium (because of the safety risk that they could be thrown, causing injury) but that cheese packaged in plastic (bags of cheese curd or snack packs of cut cheese for example) posed no such risk and would be allowed in. We have relayed that message to our customers, and have many who specifically purchase our ready-to-eat products to enjoy during the game. Ferdinand's is open for the 4 hours prior to every kickoff to serve those clientele, and we regularly have a line of alumni out the door happily waiting to spending money that goes directly back into the School of Food Science and CAHNRS on our products. Enjoying quality cheese products produced by WSU students during WSU football games is part of the cumulative experience that alumni come back to Pullman for and needs consideration in this rule.

We would ask for clarification on the prohibition of food allowed into the event site to specifically note that cheese in a can is not allowed, but that cheese packaged in plastic and purchased at Ferdinand's is acceptable to bring into the game.

Thank you for your consideration.

Dave

Dave Soler  
Creamery Assistant Manager  
(509) 335-5733



